THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.19941 of 2005

Date:15.09.2005

B.Chandra Sekhar

--------PETITIONER

The State Bank of India, Rep. By its Chief General Manager,

State Bank of India, Local Head Officr, Bank Street,

Koti, Hyderabad and others.

---------RESPONDENTS

ORDER:

The petitioner is the Deputy Manager in the State Bank of India, Kandukuru Branch, Prakasam District. He was placed under suspension, and disciplinary proceedings were initiated against him. This writ petition is filed with a prayer to declare that the enquiry conducted by the Enquiry Officer under proceedings, dated 01.07.2004, is illegal and not valid. The grievance of the petitioner is three-fold viz., the written statement filed by him in reply to the show cause notice was not taken on record, the list of witnesses and documents filed by him are not being received by the Enquiry Officer, and certain documents, namely, the statements recorded during the preliminary enquiry, were not supplied to him.

Heard Sri B.Tarakam, the learned Senior Counsel appearing for the petitioner, and the learned Standing Counsel for the respondents.

On an earlier occasion, the petitioner challenged the very proceedings in W.P.No.20118 of 2004, on the ground that the enquiry was sought to be

proceeded with, even without furnishing documents. The writ petition was disposed of on 01.11.2004 directing the respondents to furnish the documents before proceeding with the enquiry. Though there was certain misunderstanding between the parties as to the compliance with the orders of this Court, the enquiry was ultimately commenced. During the course of enquiry, the petitioner relied upon certain documents, including the written statement submitted by him. The Enquiry Officer rejected some of the documents, including the written statement. It is not known as to whether the written statement submitted by the petitioner is already on record. However, if the charge sheet and show cause notice issued to the petitioner is marked as a document on behalf of the Management, the reply furnished by the petitioner also deserves to be taken on record as a document. The whole endeavour is to ensure that the explanation submitted by the petitioner forms part of the record of enquiry in one form or the other.

In the enquiry, it is always open to the petitioner to furnish a list of witnesses and to file the documents in support of his contentions, as long as they are relevant. The respondents cannot reject the list of witnesses or the documents, without stating any reasons. In case they find that examination of any witness or taking on record any document is outside the scope of the enquiry, the reasons therefor need to be furnished.

The petitioner insisted on furnishing the documents, such as, the statements recorded during the course of preliminary enquiry as well as the complaints received against him. A perusal of the correspondence that ensued between the parties discloses that the respondents have already informed the petitioner that neither any complaints were received nor any statements were recorded, during the preliminary enquiry. If that be so, it shall not be obligatory on their part to furnish such documents. However, once they have taken such stand, at a later stage, they cannot be permitted to press such documents into service. It hardly needs any emphasis that the respondents shall be under obligation to furnish all the documents to the petitioner, on which they intend to rely. In case such documents are in the form of statements recorded from any individual, such person shall also be made available for cross-examination.

The writ petition is accordingly disposed of, directing that-

a. the written statement submitted by the petitioner in answer to the charge sheet shall be taken on record, if not already taken;

b. the list of witnesses and list of documents shall be received and examined by the enquiry officer and in case any witness or document is treated as not relevant, the reasons therefor shall be indicated; and

c. the respondents shall furnish copies of all the documents relied upon by them.

There shall be no order as to costs.

_____

15.09.2005

Jsu